

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
(Alexandria Division)**

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ANNE SMITHERS, *et al.* )  
Plaintiffs, )  
v. ) C.A. No. 1:18cv676 (TSE/IDD)  
FRONTIER AIRLINES, INC. )  
Defendant. )  
\_\_\_\_\_  
)

**ORDER**

THIS MATTER comes before the Court on Defendant Frontier Airlines, Inc.'s ("Frontier" or "Defendant") Motion to Seal Exhibits A, B, D, E, and F to Plaintiff's Memorandum in Support of Plaintiffs' Motion to Compel [Dkt. 63], and Attachments 3 and 4 to Frontier's Opposition to Plaintiffs' Motion to Compel Discovery [Dkt. 67] (collectively, the "Attachments"), pursuant to Local Rule 5(c) of the Rules of the United States District Court for the Eastern District of Virginia, and it appearing that:

- (1) The Attachments include information that has been designated as "Confidential" pursuant to the Protective Order entered in this case [Dkt. 61], and Defendant seeks permission to file the Attachments under seal; and
- (2) Defendant sent copies of these materials to opposing counsel and *in camera* copies of the same have been provided to the Court as well, which the Court has reviewed; and
- (3) Before this Court may seal documents, it must: "(1) provide public notice of the request to seal and allow interested parties a reasonable opportunity to object, (2) consider less drastic alternatives to sealing the documents, and (3) provide specific reasons and factual

findings supporting its decision to seal the documents and for rejecting the alternatives, *Ashcraft v. Conoco, Inc.*, 218 F.3d 288, 302 (4<sup>th</sup> Cir. 2000) (*citations omitted*); and

(4) In compliance with Local Rule 5 of the Rules of this Court and *Ashcraft*, Defendant has attached its to Motion to Seal a Public Notice of Defendant's Motion to Seal along with a proposed Order; and

(5) Defendant requests that the Court retain sealed materials until forty-five (45) days after a final Order is entered and requests that, unless the case is appealed, that any sealed materials be returned to counsel for the filing parties.

THEREFORE, based upon the filings, and the Court finding good cause has been shown, the Court hereby finds that less drastic alternatives to sealing the Attachments thereto are not feasible and therefore it is:

**ORDERED** that Exhibits A, B, D, E, and F to Plaintiff's Memorandum in Support of Plaintiffs' Motion to Compel [Dkt. 63] are to be filed under seal by the Clerk; and it is further

**ORDERED** that Attachments 3 and 4 to Defendant's Opposition to Plaintiffs' Motion to Compel Discovery [Dkt. 67] are to be filed under seal by the Clerk; and it is further

**ORDERED** that the Clerk shall retain sealed materials until forty-five (45) days after entry of a final Order, and, if the case is not appealed, any sealed materials shall be returned to counsel for the filing parties.

Entered this \_\_\_ day of April, 2019

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The Honorable Ivan D. Davis  
United States Magistrate Judge